

LABOR SERVICES DIVISION[875]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)"b."

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 89A.3, the Elevator Safety Board hereby gives Notice of Intended Action to amend Chapter 71, "Administration," Chapter 75, "Fees," and Chapter 76, "Permits," Iowa Administrative Code.

Pursuant to 2008 Iowa Acts, Senate File 2154, construction personnel hoists will come under the jurisdiction of Iowa's elevator safety program for the first time on July 1, 2008. In a separate rule making that will become effective on July 23, 2008, the Elevator Safety Board has adopted by reference an appropriate safety code for construction personnel hoists. Because construction personnel hoists differ significantly from other conveyances currently covered by Iowa Code chapter 89A, new rules governing permits, inspections and fees for construction personnel hoists are also needed.

These amendments establish fees for operating permits, alteration permits, installation permits, and inspections of construction personnel hoists. These amendments require owners of construction personnel hoists installed prior to July 1, 2008, to register their construction personnel hoists with the Labor Commissioner no later than July 23, 2008. These amendments set forth procedures for construction personnel hoist alteration permits, installation permits, and operating permits.

If requested in accordance with Iowa Code section 17A.4(1)"b" by the close of business on August 5, 2008, a public hearing will be held on August 6, 2008, at 10 a.m. in the Stanley Room at 1000 East Grand Avenue, Des Moines, Iowa. Interested persons will be given the opportunity to make oral statements and file documents concerning the proposed amendments. The facility for the oral presentations is accessible to and functional for persons with physical disabilities. Persons who have special requirements should call (515)242-5869 in advance to arrange access or other needed services.

Written data, views, or arguments to be considered in adoption shall be submitted by interested persons no later than August 6, 2008, to Division of Labor Services, 1000 East Grand Avenue, Des Moines, Iowa 50319-0209. Comments may be sent electronically to kathleen.uehling@iwd.iowa.gov.

These amendments were also Adopted and Filed Emergency and are published herein as **ARC 6947B** to allow public comment. The content of that submission is incorporated by reference.

The principal reasons for adoption of these rules are to protect worker safety and health and to implement legislative intent. No variance provision is included in these rules as 875—Chapter 66 sets forth applicable variance procedures.

These amendments are intended to implement Iowa Code Supplement sections 89A.1, 89A.2 and 89A.9 as amended by 2008 Iowa Acts, Senate File 2154.